

ORDINANCE NO. ____

AN ORDINANCE AMENDING SECTIONS 12-3-1, 12-3-2, 12-3-8, 12-3-11, 12-3-12, 12-3-14, 12-3-15, 12-3-16, 12-3-18, 12-3-19, 12-3-20, 12-3-22, 12-3-23, 12-3-24, 12-3-25, 12-3-27, 12-3-28, PARAGRAPH (15) OF SECTION 12-3-3, PARAGRAPH (a) OF SECTION 12-3-4, PARAGRAPHS (a) (b) AND (c) OF SECTION 12-3-10, PARAGRAPHS (a) AND (c) OF SECTION 12-3-13, AND PARAGRAPH (a) OF SECTION 12-3-21 OF CHAPTER 12-3 OF TITLE 12 OF THE ROCHESTER CODE OF ORDINANCES RELATING TO PRETREATMENT OF SEWAGE DISCHARGES.

THE COMMON COUNCIL OF THE CITY OF ROCHESTER ORDAINS:

Section 1. Section 12-3-1 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-3-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act means the Federal Water Pollution Control Act (also known as the Clean Water Act) as amended, 33 USC 1251 et seq.

Ammonia nitrogen (NH₃-N) means the quantity of nitrogen present in wastewater in the form of ammonia as measured by procedures described in Standard Methods.

Carbonaceous biochemical oxygen demand (CBOD₅) means the quantity of oxygen utilized after five days in the biochemical oxidation of organic matter present in wastewater as measured by procedures described in Standard Methods.

City means the City of Rochester, Minnesota or its governing body, the common council of the City of Rochester.

Cooling water means the water discharged from any use such as air conditioning, cooling, or refrigeration, or during which the only pollutant added to the water is heat.

Industrial users or industries means a source that introduces pollutants into the sanitary sewer from a nondomestic source regulated under section 307(b), (c), or (d) of the Act.

Interference means the inhibition or disruption of the city's wastewater disposal system processes or operations which causes or significantly contributes to a violation of any requirement of the city's NPDES permit. The term "interference" includes prevention of sewage biosolids use or disposal by the city.

Medical waste means isolation waste, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

pH means the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution as measured in procedures described in Standard Methods.

Manager means the City of Rochester Deputy Public Works Director of Environmental Services, or their designee.

Person means any individual, firm, company, association, society, corporation or group.

Pretreatment means the process of reducing the amount of pollutants, eliminating pollutants, or altering the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the city's wastewater disposal system. The reduction, elimination, or alteration may be obtained by physical, chemical or biological processes, process changes or other means.

Significant industrial user means any industrial user of the city's wastewater disposal system which:

- (1) Has a discharge subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N (40 CFR 405—471);
- (2) Discharges an average of 25,000 gallons per day or more of processed wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewaters) to the wastewater disposal system or that contributes to the processed waste stream which makes up five percent or more of the average dry weather hydraulic, CBOD₅, TSS, NH₃-N, or TP capacity of the water reclamation plant; or
- (3) Is designated as such by the ~~wastewater utility manager~~ manager on the basis that the industrial user has a reasonable potential for adversely affecting the water reclamation plant's operation or for violating any pretreatment standard or requirement.

Upon finding that a noncategorical user has no reasonable potential for adversely affecting the water reclamation plant's operation or for violating any pretreatment standard or requirement, the wastewater utility manager may, at any time, upon its own initiative or in response to a petition received from a noncategorical industrial user and with the consent of the MPCA, determine that such industrial user is not a significant industrial user.

Standard Methods means the latest edition of Standard Methods for the Examination of Water and Wastewater prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation and, if options are available for a particular characteristic, the method as chosen by the water reclamation plant for analysis.

State disposal system permit means a permit, including any terms, conditions and requirements thereof, issued by the MPCA pursuant to Minn. Stats. § 115.07 for a disposal system.

Stormwater means any flow of water occurring during or following any form of natural precipitation or which results therefrom.

Total phosphorus (TP) means all forms of phosphorus present in wastewater as measured in procedures described in Standard Methods.

Total pollutants means any listed substances, compounds, or elements identified by the United States Environmental Protection Agency pursuant to section 307(A)(1) of the Clean Water Act.

Total suspended solids (TSS) means the nonfilterable residual matter present in wastewater as measured in procedures described in Standard Methods. If a waste has a solids concentration, which cannot be filtered using Standard Methods procedures, then total solids will be measured and used in lieu of TSS using procedures described in Standard Methods.

Total toxic organics means the summation any listed substances, compounds, or elements identified by the United States Environmental Protection Agency pursuant to section 307(A)(1) of the Clean Water Act greater than 0.01 milligrams per liter.

User means a person who discharges, or causes or permits the discharge of, wastewater into the city's wastewater disposal system.

Wastewater means the spent water of a community and includes liquid and water-carried wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, and surface water that may be present, whether treated or untreated, which is discharged into or permitted to enter the city's wastewater disposal system.

Wastewater disposal system or system means any devices, facilities, structures, equipment or works owned or used by the city for the purpose of the transmission, storage, treatment, recycling, and reclamation of industrial and domestic wastewater or necessary to recycle or reuse water, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances, extensions, improvements, remodeling, additions, and alterations thereof, elements essential to provide a reliable recycled water supply such as standby treatment units and clear well facilities, and any works, including land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

Waters of the state are streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

Section 2. Section 12-3-2 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-3-2. – Control by the ~~wastewater utility manger~~ manager.

The ~~wastewater utility manager~~ manager shall have control and general supervision of all public sewers and service connections in the city, and shall be responsible for administering the provisions of this chapter to the end that a proper and efficient public sewer system is maintained. Where this chapter refers to the responsibilities or duties of the ~~wastewater utility manager~~ manager, the ~~wastewater utility manager~~ manager is empowered to delegate an authorized representative.

Section 3. Section 12-3-8 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-3-8. – Accidental discharges.

Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Where necessary, facilities to prevent accidental

discharge of prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the ~~wastewater utility manager~~ manager for review and shall be approved by the ~~wastewater utility manager~~ manager before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this chapter

Section 4. Section 12-3-11 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-3-11. – Hazardous waste discharges.

Industrial users must notify the ~~wastewater utility manager~~ manager, MPCA, and EPA of any discharge into the sanitary sewer which, if otherwise disposed of, would be considered a listed or characteristic RCRA hazardous waste under 40 CFR 261, hazardous waste. Notifications must be made and approved prior to discharge.

Section 5. Section 12-3-12 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-3-12. – Wastewater discharge permits.

- (a) *Mandatory permits.* All significant industrial users proposing to connect or to commence a new discharge to the wastewater disposal system shall obtain a wastewater discharge permit before connecting to or discharging into the wastewater system. All existing significant industrial users or industrial users subject to National Categorical Pretreatment Standards connected to or discharging into the wastewater disposal system shall obtain a wastewater discharge permit within 90 days after the effective date of the ordinance from which this chapter is derived.
- (b) *Permit application.* Users required to obtain a wastewater discharge permit shall complete and file with the ~~wastewater utility manager~~ manager, an application in the form prescribed by the ~~wastewater utility manager~~ manager, and accompanied by a fee of \$100.00. New users shall apply prior to connecting or discharging to the wastewater disposal system. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:
 - (1) Name, address, and location (if different from the address).
 - (2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
 - (3) Wastewater constituents and characteristics, including, but not limited to, those limited by section 12-3-4, as determined by a reliable analytical laboratory, sampling and analysis shall be performed in accordance with procedures established by EPA pursuant to section 304(g) of the Act and contained in 40 CFR 13b, as amended.
 - (4) Time and duration of discharge.
 - (5) Average daily and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any.

- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation.
- (7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged.
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state or National Categorical Pretreatment Standards, and (for an existing discharge) a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance and/or additional pretreatment is required for the user to meet applicable pretreatment standards. If additional operation and maintenance and/or pretreatment will be required, the proposed schedule by which the changes will be completed shall be submitted. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the use to meet the applicable pretreatment standard. No increment shall exceed nine months in length, and progress reports concerning each increment shall be submitted within 14 days following each increment date.
- (9) Each product produced by type, amount, and rate of production.
- (10) Type and amount of raw materials processed (average and maximum per day).
- (11) Number of full-time and part-time employees, and hours of work.
- (12) Any other information as may be deemed by the ~~wastewater utility manager~~ manager to be necessary to evaluate the permit application.
- (c) *Evaluation of data.* The ~~wastewater utility manager~~ manager will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the ~~wastewater utility manager~~ manager may issue a wastewater discharge permit subject to terms and conditions provided herein.
- (d) *Permit conditions.* Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city. Permits may contain the following:
 - (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the wastewater disposal system.
 - (2) Limits on the average and maximum wastewater constituents and characteristics.
 - (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
 - (4) Requirements for installation and maintenance of inspection and sampling facilities.
 - (5) Requirements for installation, operation, and maintenance of pretreatment facilities.
 - (6) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule.
 - (7) Compliance schedules.
 - (8) Requirements for submission of technical reports or discharge reports.

- (9) Requirements for maintaining and retaining plant records relating to wastewater discharge, as specified by the ~~wastewater utility manager~~ manager, and affording the ~~wastewater utility manager~~ manager access thereto.
 - (10) Requirements for notification to the ~~wastewater utility manager~~ manager of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
 - (11) Requirements for notification of slug discharges.
 - (12) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.
- (e) *Permit duration.* Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period of less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 60 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the ~~wastewater utility manager~~ manager during the term of the permit as limitations or requirements are modified or other just cause existing. The user shall be informed of any proposed changes in his ~~their~~ permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. Within nine months of the promulgation of a National Categorical Pretreatment Standard, the wastewater discharge permit of users subject to such standard shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater discharge permit as required by chapter 12-6, the user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing wastewater discharge permit shall submit to the ~~wastewater utility manager~~ manager within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard the information required by this chapter. If the information previously submitted in an application is still current and adequate, only a letter from the user certifying such is required.
- (f) *Permit transfer.* Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the ~~wastewater utility manager~~ manager. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

Section 6. Section 12-3-14 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-3-14. – Inspection and sampling.

The ~~wastewater utility manager~~ manager shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the ~~wastewater utility manager~~ manager ready access, at all reasonable times, to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The ~~wastewater utility manager~~ manager, MPCA and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection,

compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with any security guards so that, upon presentation of suitable identification, the ~~wastewater utility manager~~ manager, MPCA and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

Section 7. Section 12-3-15 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-3-15 – Pretreatment.

- (a) Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the ~~wastewater utility manager~~ manager shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the ~~wastewater utility manager~~ manager for review, and shall be acceptable to the ~~wastewater utility manager~~ manager before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the ~~wastewater utility manager~~ manager under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the ~~wastewater utility manager~~ manager prior to the user's initiation of the changes.
- (b) All records relating to compliance with pretreatment standards shall be made available by the ~~wastewater utility manager~~ manager to officials of the EPA or MPCA upon request.

Section 8. Section 12-3-16 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-3-16. – Confidential information.

- (a) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the ~~wastewater utility manager~~ manager and in accordance with 40 CFR 403.14 that the release of such information would divulge information, processes or methods of production entitled to protection as trade secret information of the user. The term "trade secret information" shall be defined as provided in Minn. Stats. § 13.37, subd. 1(b).
- (b) When requested by the person furnishing a report, the portions of a report which might disclose trade secret information shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the NPDES permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Section 9. Section 12-3-18 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-3-18 – Slug or accidental discharges.

- (a) Users shall notify the ~~wastewater utility manager~~ manager immediately upon having a slug or accidental discharge of substances or wastewater in violation of this chapter in order to enable countermeasures to be taken by the ~~wastewater utility manager~~ manager to minimize damage to the wastewater disposal system and the receiving waters. Such notification will not relieve users of liability for any expense, loss or damage to the wastewater disposal system or treatment process, or for any fines imposed on the city on account thereof under any state or federal law.
- (b) The ~~wastewater utility manager~~ manager may require any significant industrial users (SIU) to submit a plan to control slug discharges as defined under 40 CFR 403.8(f)(2)(v).
- (c) A detailed written statement submitted by the user describing the causes of the slug or accidental discharge and the measures taken to prevent any future occurrence shall be submitted to the ~~wastewater utility manager~~ manager within 15 days of the date of occurrence.

Section 10. Section 12-3-19 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-3-19. – Revocation of permit.

The ~~wastewater utility manager~~ manager may revoke the permit of any user which fails to factually report the wastewater constituents and characteristics of ~~his~~ their discharge, which fails to report significant changes in wastewater constituents or characteristics, which refuses reasonable access to the user's premises for the purpose of inspection or monitoring, or for violation of conditions of its permit, this chapter, or applicable state and federal regulations. Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and be offered an opportunity to show cause, as outlined under this chapter, why the proposed action should not be taken.

Section 11. Section 12-3-20 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-3-20. – Notification of violation.

Whenever the ~~wastewater utility manager~~ manager finds that any person has violated or is violating this chapter, wastewater discharge permit, or any prohibition, limitation or requirement contained herein, the ~~wastewater utility manager~~ manager may serve upon such person a written notice stating the nature of the violation. Within a timeframe specified by the notice of violation, not to exceed thirty days, ten days of from the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the city by the user. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.

Section 12. Section 12-3-22 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-3-22. – Consent orders.

The ~~wastewater utility manager~~ manager may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order.

Section 13. Section 12-3-23 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-3-23. – Cease and desist orders.

When the ~~wastewater utility manager~~ manager finds that an industrial user has violated, or continues to violate, this chapter or any permit or order issued hereunder, the ~~wastewater utility manager~~ manager may issue an order to cease and desist all such violations and direct those persons in noncompliance to comply forthwith, and take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

Section 14. Section 12-3-24 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-3-24. – Administrative fines.

Any user who is found to have violated any provision of this chapter, or permits and orders issued hereunder, may be fined in an amount not to exceed \$1,000.00 per violation. Each day on which noncompliance occurs or continues shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the ~~wastewater utility manager~~ manager shall have such other collection remedies as he has to collect other service charges. Unpaid charges, fines, and penalties shall constitute a lien against the individual user's property. Industrial users desiring to dispute such fines must file a request for the ~~wastewater utility manager~~ manager to reconsider the fine within ten days of being notified of the fine. Where the ~~wastewater utility manager~~ manager believes a request has merit, he shall convene a hearing on the matter within 15 days of receiving the request from the industrial user.

Section 15. Section 12-3-25 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-3-25. –Emergency suspensions.

- (a) The ~~wastewater utility manager~~ manager may suspend the wastewater treatment service and/or a wastewater discharge permit when such suspension is necessary, in the opinion of the ~~wastewater utility manager~~ manager, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or

welfare of persons, to the environment, or to the wastewater disposal system, or would cause the city to violate any condition of its NPDES or state disposal system permit.

- (b) Any user notified of a suspension of the wastewater treatment service and/or a wastewater discharge permit shall immediately stop the discharge. In the event of a failure of the user to comply voluntarily with the suspension order, the ~~wastewater utility manager~~ manager shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the wastewater disposal system or endangerment to any individuals. The ~~wastewater utility manager~~ manager shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge.

Section 16. Section 12-3-27 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-3-27. – Affirmative defenses.

- (a) Any industrial user who experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation, shall inform the ~~wastewater utility manager~~ manager thereof immediately upon becoming aware of the upset. Where such information is given orally, a written report thereof shall be filed by the user within five days. The report shall contain a description of the upset, its cause, and impact on the discharger's compliance status, the duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored. An industrial user who complies with the notification provisions of this section in a timely manner shall have an affirmative defense to any enforcement action brought by the ~~wastewater utility manager~~ manager for any noncompliance with this chapter, or an order or permit issued hereunder by the user which arises out of violations attributable to and alleged to have occurred during the period of the documented and verified upset.
- (b) Treatment bypasses. A bypass of the treatment system is prohibited unless all of the following conditions are met: the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage, there was no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater, and the industrial user properly notified the ~~wastewater utility manager~~ manager. Industrial users must provide immediate notice to the ~~wastewater utility manager~~ manager upon discovery of an unanticipated bypass. If necessary, the ~~wastewater utility manager~~ manager may require the industrial user to submit a written report explaining the cause, nature and duration of the bypass, and the steps being taken to prevent its recurrence. An industrial user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. Industrial users anticipating a bypass must submit notice to the ~~wastewater utility manager~~ manager at least ten days in advance. The ~~wastewater utility manager~~ manager may only approve the anticipated bypass if the circumstances satisfy those set forth above.

Section 17. Section 12-3-28 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-3-28. –Variances.

With the exception of federal categorical pretreatment standards and requirements, upon the written request of any person, the ~~wastewater utility manager~~ manager may grant a variance to these rules or any permit issued thereunder. When such requests can show that there is no economically or technologically feasible alternative to noncompliance, or is in the overall best interests to the citizens of the city, and the variance will not cause any treatment plant upset, or contamination of any biosolids and will not cause damage to the receiving waters and does not present any danger to any person, such request shall be given approval. Any approval of such a request will be in the form of a written response which may contain, and be contingent upon meeting, certain conditions set forth by the ~~wastewater utility manager~~ manager.

Section 18. Paragraph 15 of Section 12-3-3 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-3-3. – General discharge prohibitions.

- (15) Any trucked or liquid-hauled waste except as designated by the ~~wastewater utility manager~~ manager.

Section 19. Paragraph (a) of Section 12-3-4 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-3-4. – Limitations on wastewater strength.

- (a) *Federal pretreatment standards.* National Categorical Pretreatment Standards promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all users which are subject to such standards in any instance where they are more stringent than the limitations in this chapter unless the ~~wastewater utility manager~~ manager has applied for and obtained from the MPCA approval to modify the specific limits in the National Categorical Pretreatment Standards. When requested, an application for modification of the National Categorical Pretreatment Standards will be considered for submittal by the ~~wastewater utility manager~~ manager when the wastewater treatment system achieves consistent removal of the pollutants. The term "consistent removal," for purposes of this section, means reduction in the amount of pollutant or alteration of the nature of a pollutant which is in the influent to the wastewater treatment system to a less toxic or harmless state by the time it is discharged in the effluent. The reduction or alteration must be achieved in 95 percent of the samples taken when measured according to the procedures set forth in 40 CFR 403.7(c)(2) of the General Pretreatment Regulations for Existing and New Sources of Pollution.

Section 20. Paragraphs (a), (b), and (c) of Section 12-3-10 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-3-10. – User reports.

- (a) The ~~wastewater utility manager~~ manager may require that any person discharging, or proposing to discharge, wastewater to the wastewater disposal system file a periodic discharge report. The required information contained in the discharge report may include, but not be limited to, nature of process, rates of flow, mass discharge rate, raw material and production quantities, hours of operation, number and classification of employees, compliance status with any state or federal pretreatment standards, or other information which relates to the generation of waste, including wastewater constituents and characteristics in the wastewater discharge. Such reports may also include the chemical constituents and quantity of liquid or gaseous materials stored on-site, even though they may not normally be discharged. At a minimum, a summary of such data indicating each industrial user's compliance with this chapter shall be prepared semi-annually and submitted to the ~~wastewater utility manager~~ manager. In cases where the ~~wastewater utility manager~~ manager collects most of the industrial user data, the reporting requirement may be waived. In addition to discharge reports, the ~~wastewater utility manager~~ manager may require information in the form of wastewater discharge permit applications, self-monitoring reports, and compliance schedules.
- (b) Report on compliance with categorical pretreatment standards. Within 90 days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a new source following commencement of the introduction of wastewater into the municipal sewer system, any industrial user subject to categorical pretreatment standards shall submit to the ~~wastewater utility manager~~ manager a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by categorical pretreatment standards and the average and maximum daily flow for those process units. Users must achieve compliance by this 90-day deadline.
- (c) Subsequent to the filing of the initial compliance report, all significant industrial users shall submit to the ~~wastewater utility manager~~ manager a report showing the results of effluent monitoring for parameters as instructed by the ~~wastewater utility manager~~ manager.

Section 21. Paragraphs (a) and (c) of Section 12-3-13 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-3-13. – Monitoring facilities.

- (a) When required by the ~~wastewater utility manager~~ manager, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems shall be provided and operated by industrial users. The monitoring facility should normally be situated on the user's premises, but the ~~wastewater utility manager~~ manager may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.
- (c) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the ~~wastewater utility manager's~~ manager's requirements and all applicable local construction standards and specifications. Construction shall be

completed within 90 days following written notification by the ~~wastewater utility manager~~
manager.

Section 22. Paragraph (a) of Section 12-3-21 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-3-21. – Show cause hearing.


- (a) *Notice of hearing.* If the violation is not corrected by timely compliance, the ~~wastewater utility manager~~ manager may order any user which causes or allows an unauthorized discharge to show cause before the common council why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the common council regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the common council why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail at least ten days before the hearing. Service may be made on any agent or officer of a corporation. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.

Section 23. This ordinance shall become effective from and after its publication.

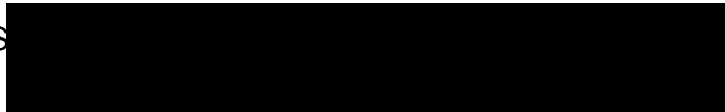
PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS 6th December

ATTEST:


CITY CLERK


PRESIDENT OF SAID COMMON COUNCIL

APPROVED THIS






MAYOR OF SAID CITY